

EHB 1251 - S COMM AMD  
By Committee on Judiciary

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 46.52.130 and 2008 c 253 s 1 are each amended to read  
4 as follows:

5 (1) A certified abstract of the driving record shall be furnished  
6 only to:

7 (a) The individual named in the abstract;

8 (b) An employer or prospective employer or an agent acting on  
9 behalf of an employer or prospective employer, or a volunteer  
10 organization for which the named individual has submitted an  
11 application for a position that could require the transportation of  
12 children under eighteen years of age, adults over sixty-five years of  
13 age, or persons with mental or physical disabilities;

14 (c) An employee or agent of a transit authority checking  
15 prospective volunteer vanpool drivers for insurance and risk management  
16 needs;

17 (d) The insurance carrier that has insurance in effect covering the  
18 employer or a prospective employer;

19 (e) The insurance carrier that has motor vehicle or life insurance  
20 in effect covering the named individual;

21 (f) The insurance carrier to which the named individual has  
22 applied;

23 (g) An alcohol/drug assessment or treatment agency approved by the  
24 department of social and health services, to which the named individual  
25 has applied or been assigned for evaluation or treatment;

26 (h) City and county prosecuting attorneys; or

27 (i) State colleges, universities, or agencies for employment and  
28 risk management purposes; or units of local government authorized to  
29 self-insure under RCW 48.62.031.

1       (2) Nothing in this section shall be interpreted to prevent a court  
2 from providing a copy of the driver's abstract to the individual named  
3 in the abstract, provided that the named individual has a pending case  
4 in that court for a suspended license violation or an open infraction  
5 or criminal case in that court that has resulted in the suspension of  
6 the individual's driver's license. A pending case includes criminal  
7 cases that have not reached a disposition by plea, stipulation, trial,  
8 or amended charge. An open infraction or criminal case includes cases  
9 on probation, payment agreement or subject to, or in collections.  
10 Courts may charge a reasonable fee for production and copying of the  
11 abstract for the individual.

12       (3) City attorneys and county prosecuting attorneys may provide the  
13 driving record to alcohol/drug assessment or treatment agencies  
14 approved by the department of social and health services to which the  
15 named individual has applied or been assigned for evaluation or  
16 treatment.

17       (~~(3)~~) (4)(a) The director, upon proper request, shall furnish a  
18 certified abstract covering the period of not more than the last three  
19 years to insurance companies.

20       (b) The director may enter into a contractual agreement with an  
21 insurance company or its agent for the limited purpose of reviewing the  
22 driving records of existing policyholders for changes to the record  
23 during specified periods of time. The department shall establish a fee  
24 for this service, which must be deposited in the highway safety fund.  
25 The fee for this service must be set at a level that will not result in  
26 a net revenue loss to the state. Any information provided under this  
27 subsection must be treated in the same manner and subject to the same  
28 restrictions as certified abstracts.

29       (~~(4) Upon proper request, the director shall furnish a certified~~  
30 ~~abstract covering a period of not more than the last five years to~~  
31 ~~state approved alcohol/drug assessment or treatment agencies, except~~  
32 ~~that the certified abstract shall also include records of alcohol~~  
33 ~~related offenses as defined in RCW 46.01.260(2) covering a period of~~  
34 ~~not more than the last ten years.))~~

35       (5) Upon proper request, a certified abstract of the full driving  
36 record maintained by the department shall be furnished to a city or  
37 county prosecuting attorney, to state approved alcohol or drug  
38 assessment or treatment agencies, to the individual named in the

1 abstract, to an employer or prospective employer or an agent acting on  
2 behalf of an employer or prospective employer of the named individual,  
3 or to a volunteer organization for which the named individual has  
4 submitted an application for a position that could require the  
5 transportation of children under eighteen years of age, adults over  
6 sixty-five years of age, or persons with physical or mental  
7 disabilities, or to an employee or agent of a transit authority  
8 checking prospective volunteer vanpool drivers for insurance and risk  
9 management needs.

10 (6) The abstract, whenever possible, shall include:

11 (a) An enumeration of motor vehicle accidents in which the person  
12 was driving;

13 (b) The total number of vehicles involved;

14 (c) Whether the vehicles were legally parked or moving;

15 (d) Whether the vehicles were occupied at the time of the accident;

16 (e) Whether the accident resulted in any fatality;

17 (f) Any reported convictions, forfeitures of bail, or findings that  
18 an infraction was committed based upon a violation of any motor vehicle  
19 law;

20 (g) The status of the person's driving privilege in this state; and

21 (h) Any reports of failure to appear in response to a traffic  
22 citation or failure to respond to a notice of infraction served upon  
23 the named individual by an arresting officer.

24 (7) Certified abstracts furnished to prosecutors and alcohol/drug  
25 assessment or treatment agencies shall also indicate whether a recorded  
26 violation is an alcohol-related offense as defined in RCW 46.01.260(2)  
27 that was originally charged as one of the alcohol-related offenses  
28 designated in RCW 46.01.260(2)(b)(i).

29 (8) The abstract provided to the insurance company shall exclude  
30 any information, except that related to the commission of misdemeanors  
31 or felonies by the individual, pertaining to law enforcement officers  
32 or firefighters as defined in RCW 41.26.030, or any officer of the  
33 Washington state patrol, while driving official vehicles in the  
34 performance of occupational duty. The abstract provided to the  
35 insurance company shall include convictions for RCW 46.61.5249 and  
36 46.61.525 except that the abstract shall report them only as negligent  
37 driving without reference to whether they are for first or second  
38 degree negligent driving. The abstract provided to the insurance

1 company shall exclude any deferred prosecution under RCW 10.05.060,  
2 except that if a person is removed from a deferred prosecution under  
3 RCW 10.05.090, the abstract shall show the deferred prosecution as well  
4 as the removal.

5 (9) The director shall collect for each abstract the sum of ten  
6 dollars, fifty percent of which shall be deposited in the highway  
7 safety fund and fifty percent of which must be deposited according to  
8 RCW 46.68.038.

9 (10) Any insurance company or its agent receiving the certified  
10 abstract shall use it exclusively for its own underwriting purposes and  
11 shall not divulge any of the information contained in it to a third  
12 party. No policy of insurance may be canceled, nonrenewed, denied, or  
13 have the rate increased on the basis of such information unless the  
14 policyholder was determined to be at fault. No insurance company or  
15 its agent for underwriting purposes relating to the operation of  
16 commercial motor vehicles may use any information contained in the  
17 abstract relative to any person's operation of motor vehicles while not  
18 engaged in such employment, nor may any insurance company or its agent  
19 for underwriting purposes relating to the operation of noncommercial  
20 motor vehicles use any information contained in the abstract relative  
21 to any person's operation of commercial motor vehicles.

22 (11) Any employer or prospective employer or an agent acting on  
23 behalf of an employer or prospective employer, or a volunteer  
24 organization for which the named individual has submitted an  
25 application for a position that could require the transportation of  
26 children under eighteen years of age, adults over sixty-five years of  
27 age, or persons with physical or mental disabilities, receiving the  
28 certified abstract shall use it exclusively for his or her own purpose  
29 to determine whether the licensee should be permitted to operate a  
30 commercial vehicle or school bus, or operate a vehicle for a volunteer  
31 organization for purposes of transporting children under eighteen years  
32 of age, adults over sixty-five years of age, or persons with physical  
33 or mental disabilities, upon the public highways of this state and  
34 shall not divulge any information contained in it to a third party.

35 (12) Any employee or agent of a transit authority receiving a  
36 certified abstract for its vanpool program shall use it exclusively for  
37 determining whether the volunteer licensee meets those insurance and

1 risk management requirements necessary to drive a vanpool vehicle. The  
2 transit authority may not divulge any information contained in the  
3 abstract to a third party.

4 (13) Any alcohol/drug assessment or treatment agency approved by  
5 the department of social and health services receiving the certified  
6 abstract shall use it exclusively for the purpose of assisting its  
7 employees in making a determination as to what level of treatment, if  
8 any, is appropriate. The agency, or any of its employees, shall not  
9 divulge any information contained in the abstract to a third party.

10 (14) Release of a certified abstract of the driving record of an  
11 employee, prospective employee, or prospective volunteer requires a  
12 statement signed by: (a) The employee, prospective employee, or  
13 prospective volunteer that authorizes the release of the record, and  
14 (b) the employer or volunteer organization attesting that the  
15 information is necessary to determine whether the licensee should be  
16 employed to operate a commercial vehicle or school bus, or operate a  
17 vehicle for a volunteer organization for purposes of transporting  
18 children under eighteen years of age, adults over sixty-five years of  
19 age, or persons with physical or mental disabilities, upon the public  
20 highways of this state. If the employer or prospective employer  
21 authorizes an agent to obtain this information on their behalf, this  
22 must be noted in the statement. This subsection does not apply to  
23 entities identified in subsection (1)(i) of this section.

24 (15) Any negligent violation of this section is a gross  
25 misdemeanor.

26 (16) Any intentional violation of this section is a class C felony.

27 **Sec. 2.** RCW 46.01.260 and 1999 c 86 s 2 are each amended to read  
28 as follows:

29 (1) Except as provided in subsection (2) of this section, the  
30 director, in his or her discretion, may destroy applications for  
31 vehicle licenses, copies of vehicle licenses issued, applications for  
32 drivers' licenses, copies of issued drivers' licenses, certificates of  
33 title and registration or other documents, records or supporting papers  
34 on file in his or her office which have been microfilmed or  
35 photographed or are more than five years old. If the applications for  
36 vehicle licenses are renewal applications, the director may destroy  
37 such applications when the computer record thereof has been updated.

1 (2)(a) The director shall not destroy records of convictions or  
2 adjudications of RCW 46.61.502, 46.61.504, 46.61.520, and 46.61.522, or  
3 records of deferred prosecutions granted under RCW 10.05.120 and shall  
4 maintain such records permanently on file.

5 (b) The director shall not, within fifteen years from the date of  
6 conviction or adjudication, destroy records (~~of the following:~~

7 ~~(i) Convictions or adjudications of the following offenses: RCW~~  
8 ~~46.61.502 or 46.61.504; or~~

9 ~~(ii))~~ if the offense was originally charged as one of the offenses  
10 designated in (a) (~~or (b)(i))~~) of this subsection, convictions or  
11 adjudications of the following offenses: RCW 46.61.500 or 46.61.5249  
12 or any other violation that was originally charged as one of the  
13 offenses designated in (a) (~~or (b)(i))~~) of this subsection.

14 (c) For purposes of RCW 46.52.101 and 46.52.130, offenses subject  
15 to this subsection shall be considered "alcohol-related" offenses."

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By Committee on Judiciary

16 On page 1, line 2 of the title, after "records;" strike the  
17 remainder of the title and insert "and amending RCW 46.52.130 and  
18 46.01.260."

**EFFECT:** Upon proper request, a certified abstract of an  
individual's full driving record maintained by the department of  
licensing will be furnished to state-approved alcohol or drug  
assessment or treatment agencies.

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